

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ASHLEY CREECH,	*	Case No. 1:16-CV-01047
	*	
Plaintiff,	*	Judge Timothy S. Black
	*	
v.	*	
	*	
PAYCOR, INC., et al.	*	
	*	
Defendants.	*	
	*	
	*	
	*	

DEFENDANTS' PROPOSED UNDISPUTED FACTS

Pursuant to the Court's Standing Order Governing Civil Motions for Summary Judgment, Defendants Paycor, Inc. ("Paycor") and Joel Lippolis ("Lippolis") submit the following Proposed Undisputed Facts:

1. Plaintiff Ashley Creech ("Creech") submitted an application for employment with Paycor on or about October 22, 2014. (Crone Decl. at ¶3 and Ex. A.)¹
2. The employment application that Creech submitted contains a section with the heading "**AGREEMENT (PLEASE READ CAREFULLY)**" that states as follows:

I agree that in exchange for Paycor considering my application for employment, and in exchange for any future offer of employment that Paycor may extend to me, I shall file any lawsuit (and all claims that could be included in that lawsuit) against Paycor or any of its managers, agents or other employees, relating to my application for employment, employment, or separation of employment, within six (6) months after the date of the action or event that is the subject of my lawsuit. I hereby waive any statute of limitations to the contrary. I understand that this provision does not prevent me from filing a charge with or participating in any investigation conducted by any federal, state, or local government agency. I UNDERSTAND THAT I AM AGREEING TO FILE ANY LAWSUIT REGARDING ANY EMPLOYMENT DISPUTE AGAINST PAYCOR OR ITS MANAGERS, AGENTS AND EMPLOYEES NO LATER THAN SIX MONTHS AFTER THE ACTION OR EVENT THAT IS THE SUBJECT OF THE DISPUTE. . . . I UNDERSTAND THAT IF I DO NOT AGREE TO THIS

¹ The Declaration of Karen Crone is attached as Exhibit 1 to Defendants' Partial Motion for Summary Judgment.

PROVISION I SHOULD NOT SUBMIT THIS APPLICATION FOR EMPLOYMENT.

(*Id.* at Ex. A, p. 2 (emphasis in original).)

3. Creech signed the employment application. (*Id.*)
4. Creech was hired by Paycor as a Distribution Specialist on or about November 7, 2014. (Compl. ¶13.)
5. Creech's employment with Paycor ended on or about October 14, 2015. (Compl. ¶97.)
6. Creech filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission on or about August 3, 2016. (Crone Decl. Ex. B.)
7. In the section entitled, "The Particulars Are," Creech's Charge of Discrimination states:
 - I. I am a female. On or about October 12, 2015, I complained to Human Resources about being placed on an action plan. On October 14, 2015, I was forced to resign.
 - II. Management is responsible for the above action.
 - III. I believe I have been discriminated against because of sex and retaliated against for complaining, in violation of Title VII of the Civil Rights Act of 1964, as amended.

(*Id.*)

8. Lippolis was not named as a respondent in Creech's Charge of Discrimination, and his name does not appear on the Charge of Discrimination. (*Id.*)
9. Creech filed this lawsuit on November 2, 2016. (Compl.)

Respectfully submitted,

/s/ Katharine C. Weber
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